

EXHIBIT E

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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF NEW YORK**

11 DANA ABOUD, WILLIAM HICKS,
12 MICHAEL POROWSKI, and ALBERT
13 SCHWEIZER, individually and on behalf of all
 others similarly situated,

14 Plaintiffs,

15 v.

16 CHARLES SCHWAB & CO., INC.,

17 Defendant.
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Case No. 14 Civ. 2712 (PAC)

(Assigned for all purposes to the Honorable
Paul A. Crotty)

**DECLARATION OF ABEL E. MORALES
WITH RESPECT TO NOTIFICATION AND
CLAIMS ADMINISTRATION**

Date: October 22, 2014

Time: 4:00 p.m.

Courtroom: 14-C

1 I, Abel E. Morales, declare as follows:

2 1. I am the Case Manager for CPT Group, Inc. ("CPT"), the court-appointed class
3 action claims administrator for the action entitled *Dana Aboud, Albert Schweizer, William Hicks*
4 *and Michael Porowski v. Charles Schwab & Co., Inc.* I have personal knowledge of the facts set
5 forth in this declaration and, if called upon to testify, I could and would testify competently to
6 such facts.

7 2. CPT has extensive experience in providing notice of class actions and administering
8 class action settlements. In the past 26 years, we have provided notification and/or claims
9 administration services in hundreds of class action cases. CPT was selected by both Parties to
10 provide notice of the settlement and claim processing services in this action. In this capacity, CPT
11 was charged with (a) preparing, printing and mailing the *Notice of Pendency of Class Action and*
12 *Opportunity to Opt In, Proposed Settlement, and Hearing Date for Court Approval*, the *Notice of*
13 *Pendency of Collective Action and Opportunity to Opt In, Proposed Settlement, and Hearing Date*
14 *for Court Approval* and the *Consent to Join Settlement and Claim Form*, (herein collectively
15 referred to as "Notice Packet"); (b) processing undeliverable mail and locating updated addresses
16 for class members; (c) receiving other communications about the settlement; (d) notifying the
17 parties of the number of class members who filed timely requests for exclusion, objections, or
18 claims; (e) notifying the parties of the number of class members who filed timely claims, and
19 taking steps to cure any deficiencies; (f) establishing and maintaining a toll free case hotline where
20 class members can speak to a case representative regarding case specific questions; and (g) being
21 responsible for calculating and mailing settlement award checks to participating class members as
22 well as completing any associated tax withholding and reporting to State and Federal tax
23 authorities.

24 3. On May 16, 2014, CPT mailed all required notices under the Class Action Fairness
25 Act.

26 4. CPT received the Court-approved text for the Notice Packets from Counsel on
27 July 2, 2014.

28 5. CPT finalized the Notice Packets for mailing, which consisted of a 6-page Notice

1 for the Rule 23 Class Members, a 7-page Notice for the Non-Rule 23 Class Members and a 3-
2 page Claim Form. CPT received approval from the Parties and a sufficient number of Notice
3 Packets were printed to mail to all class members.

4 6. On July 2, 2014, CPT received a data file from Defense Counsel containing the
5 full name, last known mailing address, social security number, job title, and employment dates
6 for each class member. The mailing list contained a total of five hundred thirty six (536) class
7 members.

8 7. On August 1, 2014, CPT conducted a National Change of Address ("NCOA")
9 search in an attempt to update the class list of addresses as accurately as possible prior to the
10 initial Notice Packet mailing. A search of this database provides updated addresses for any
11 individual who has moved in the previous four years and notified the U.S. Postal Service of their
12 change of address. As a result of the NCOA, CPT was able to locate seventy two (72) new
13 addresses.

14 8. The Notice Packets were enclosed in envelopes with the full names and last known
15 addresses printed on them. On August 1, 2014, the Notice Packets were mailed via U.S. First-
16 Class mail to all class members.

17 9. As of the date of this declaration, thirty nine (39) Notice Packets have been
18 returned to our office by the U.S. Postal Service, of which twenty eight (28) had a forwarding
19 address. CPT performed a skip trace on all returned mail with no forwarding address received in
20 an effort to locate a better address. CPT performed this skip trace using *Accurint*, one of the
21 most comprehensive address databases available. *Accurint* utilizes hundreds of different
22 databases supplied by credit reporting agencies, public records, and a variety of other national
23 databases.

24 10. As a result of either a skip trace, a forwarding address provided by the U.S. Postal
25 Service or re-mail requests from class members, a total of forty (40) Notice Packets were re-
26 mailed to class members. A total of ten (10) Notice Packets were ultimately undeliverable, as no
27 better address was provided from the U.S. Postal Service or obtained through skip trace.
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11. As of the date of this declaration, a total of six hundred sixty nine (669) responses have been received by CPT from four hundred fifty five (455) unique Class Members. Two hundred fourteen (214) Class Members submitted more than one form because they submitted both the original and corrective Claim Form, along with mailing, faxing and e-mailing their forms. For each such person, only one (1) Claim Form was counted.

12. As of the date of this declaration, there are no written objections to the settlement.

13. As of the date of this declaration, there are no deficient forms.

14. As of the date of this declaration, CPT has received one (1) late Claim Form. The claim was deemed late as it was received on October 1, 2014, which was after the claims deadline. The deadline to submit a Claim Form was September 30, 2014.

15. As of the date of this declaration, CPT has not received any requests for exclusion.

16. As of the date of this declaration, there are no outstanding disputes.

17. As of the date of this declaration, CPT reports that out of the five hundred thirty six (536) Class Members, four hundred fifty four (454) submitted a valid and timely Claim Form, representing 84.70% of the total Class Members.

18. There are a total of 54,188.27 class workweeks. The four hundred fifty four (454) valid claims represent 47,985.15 workweeks, or 88.55% of the total class workweeks.

19. The four hundred fifty four (454) valid claims represent a claimed amount of approximately \$2,153,271.67, representing 87.89% of the Class Members' Distribution Amount.

20. As of the date of this declaration, based on the valid claims submitted to date, the average net award to the claiming Class Members is \$4,742.89.

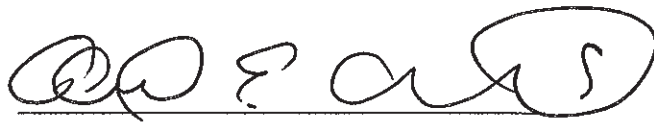
21. CPT will charge a total of \$28,000.00 in costs associated with the administration of the settlement. This includes all costs incurred to date, as well as estimated costs involved in completing the settlement.

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1 I declare under penalty of perjury of the laws of the State of California that the foregoing
2 is true and correct and that this declaration is executed this 10th day of October, 2014, at Irvine,
3 California.

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5 **Abel E. Morales**